

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**MICHAEL MOATES,**

**Plaintiff,**

**v.**

**STATE OF NORTH CAROLINA, *et al.*,**

**Defendants.**

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**Civil Action No. 4:23-cv-00772-O-BP**

**FINDINGS, CONCLUSIONS, AND RECOMMENDATION**  
**OF THE UNITED STATES MAGISTRATE JUDGE**

Before the Court is Plaintiff Michael Moates's Notice of Dismissal as to Defendants Virginia and Nevada, filed September 5, 2023 (ECF No. 25). The case was referred to the undersigned automatically under Special Order 3 on July 25, 2023. ECF No. 5.

After considering the Notice and applicable legal authorities, the undersigned **RECOMMENDS** that United States District Judge Reed O'Connor **ORDER** that, with respect to the states of Virginia and Nevada, the case be **DISMISSED without prejudice**.

A case may be voluntarily dismissed by a plaintiff without a court order if he files "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." Fed. R. Civ. P. 41(a)(1)(A)(i). Neither Virginia nor Nevada has answered or moved for summary judgment, but a lawyer from the Nevada Attorney General's Office applied for pro hac vice admission on September 6, 2023. ECF No. 29. While a court order is not required to dismiss the case against Virginia and Nevada, such an order would promote clarity and efficiency for all parties.

Thus, the undersigned **RECOMMENDS** that Judge O'Connor **ORDER** that, with respect to the states of Virginia and Nevada, the case be **DISMISSED without prejudice**.

A copy of these findings, conclusions, and recommendation shall be served on all parties in the manner provided by law. Any party who objects to any part of these findings, conclusions, and recommendation must file specific written objections within fourteen days after being served with a copy. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). To be specific, an objection must identify the particular finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge's findings, conclusions, and recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc).

**SIGNED** on September 8, 2022.

  
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Hal R. Ray, Jr.  
UNITED STATES MAGISTRATE JUDGE